

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

REECE GENE MULLINS,)
Plaintiff,) Civil Action No. 7:23cv00149
)
v.) **OPINION and ORDER**
)
SOUTHWEST REGIONAL JAIL) By: Robert S. Ballou
AUTHORITY-DUFFIELD, et al.,) United States District Judge
Defendants.)

Reece Gene Mullins, a Virginia inmate proceeding *pro se*, has filed this civil rights action against the defendants for injuries sustained on or about November 25, 2022, in the Southwest Virginia Regional Jail. The defendants have filed a motion to dismiss (ECF No. 31). Thereafter, Mullins filed a motion to amend his complaint (ECF No. 37), to which no objection has been filed.

Under FED. R. CIV. P. 15(a)(2), the court “should freely give leave when justice so requires.” Accordingly, it is **ORDERED** the motion to amend is **GRANTED**, and a copy of the document filed at ECF No. 37 will be docketed as Mullins’ amended complaint.

It is further **ORDERED**, pursuant to Rule 15(a)(3), that the defendants shall file an answer or otherwise respond to Mullins’ amended complaint within fourteen (14) days from the date of this order. The filing of an amended complaint moots the defendants’ previously filed motion to dismiss (ECF No. 31), and it is hereby **ORDERED** that the motion to dismiss is **DISMISSED without prejudice**.

The Clerk **SHALL** mail a copy of this order to Mullins.

Enter: September 15, 2023

Is/ Robert S. Ballou

Robert S. Ballou
United States District Judge